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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/909,196 | 07/19/2001 | Yuichi Sato | 1232-4742 | 9738 |
| 27123 | 7590 | 02/23/2006 | EXAMINER | |
| MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | WORKU, NEGUSIE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2626 | |

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/909,196 | SATO ET AL. |
| | Examiner | Art Unit |
| | Negussie Worku | 2626 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,7-9,11,13-17,19-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,7-9,11,13-17,19-21 and 23-25 is/are rejected.
- 7) Claim(s) 4, 26 and 27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/19/01.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. 07/19/01.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Applicant's response with respect to claims 1-4, 7-9, 11, 13-16, 19-21 and 23-27 has been reviewed and respectfully considered. Regarding allowable subject matter of claims 5 and 17, indicated in the last office action where both claims include similar limitations has been withdrawn. Because the prior art still read on the claimed limitation of those claims that were allowed in the last Office action.

Therefore, the rejection to above indicated pending claims are maintained in view of Suzuki et al. (USP 6141043) as indicated in the Office action below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the last limitation of claim1, "when scan count reaches a predetermined value" is not pointed out or defined, what "value" the applicant regard as his invention.

Claims 2-4, 7-9, 11,12, and 26 are also rejected, as claims are dependent on rejected claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 7-9, 11, 13-16, 19-21, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. USP (6,141,043).

With respect to claim 1, Suzuki an image scanning system (fig 1-3) capable of scanning an image in a plurality of scan modes, (one mode is through memory card 220 of fig 1, and the other mode is through finders system 150 of fig 2) comprising: a memory (RAM 326 of fig 20) adapted to store a correction data (a predetermined correction coefficient are stored in memory 326 of fig 2) stores correction coefficient (col.13, lines 38-40) for each of the plurality of scan modes and information indicating the scan count, (col.13, lines 34-40); and a controller (CCD driver 331 of fig 2) adapted to update correction data stored in said memory (a predetermined correction coefficients (light intensity for each pixel) are stored RAM 326 of fig 20) when a scan count has reached a predetermined value, (a counter 327 counts a number of pulse

outputted from CCD drive 331, according to the transmission of each pixel (transmission timing of the accumulated voltage, col.13, lines 26-40).

With respect to claim 2, Suzuki teaches the system (fig 1-3 and 20), wherein the correction data is shading data, (col.13, line 25-34).

With respect to claim 3, Suzuki teaches the system (fig 1-3 and 20), wherein the correction data includes calibration data and shading data, (col.13, line 25-34).

With respect to claims 7 and 8 Suzuki teaches the system (fig –13 and 2) the wherein said memory (326 of fig 20) further stores information indicating the scan-count, (col.3, lines 26-40).

With respect to claim 9, Suzuki e al. teaches the system, (shown in fig 1 and 2) wherein the plurality of scan modes include a mode for scanning a transparent document, (as scanning setting button 9 of fig 1, col.9, lines 1-5), and said controller (CCD driver 331 of fig 2), controls to generate correction data for each scan, (a predetermined correction data are stored in memory 326 of fig 2) to execute an image scan using the generated correction data, (col.13, lines 38-40) and to store the generated correction data in said memory (326 of fig 2) when an image is scanned in the mode for scanning the transparent document (mode selection button 9 of fig 2).

With respect to claim 11, Suzuki et al. teaches the system, (shown in fig 1 and 2) the system the, further comprising a selector for selecting a desired one of the plurality of scan modes, (mode selection button 9 of fig 1, col.9, lines 1-5)

With respect to claim 12, Suzuki et al., teaches the system, wherein said image scanning system (fig 1 and 2) is constructed by connecting to one of a plurality of different image sensing apparatuses, (selecting different scanning mode with button 9 of fig 2) said memory (326 of fig 2) stores the correction data file for each of the plurality of different image sensing apparatuses, (fig 1 and 2) and said controller independently controls for each of the plurality of different image sensing apparatuses (button 9 of fig 1, selectively control the scanning mode, col.3, lines 1-5)

With respect to claim 13, Suzuki teaches an image scanning method in an image scanning system (fig 1-3, and 20) which can scan an image in a plurality of scan modes, (one mode is through memory card 220 of fig 1, and the other mode is through finders system 150 of fig 2), and has a memory for storing a correction data file having correction data for each of the plurality of scan modes, (a predetermined correction coefficient are stored in memory 326 of fig 2), comprising: adapting correction data stored in said memory (RAM 326 of fig 20) when a scan count has reached a predetermined value, (col.13, lines 26-40), scanning an image in a plurality of scan modes, (one mode is through memory card 220 of fig 1, and the other mode is through finders system 150 of fig 2); and correcting the scanned image using the correction

data, stored in the memory (RAM 326 of fig 20) corresponding to the scan mode used in scanning the image, (col.13, lines 26-40).

With respect to claim 14, Suzuki teaches the method (fig 1-3 and 20), wherein the correction data is shading data, (col.13, line 25-34).

With respect to claim 15, Suzuki teaches the system (fig 1-3 and 20), wherein the correction data includes calibration data and shading data, (col.13, line 25-34).

With respect to claim 16, Suzuki teaches the method further comprising (fig 1-3), a step of storing the generated correction data in the memory, (RAM 326 of fig 20, col.13, line 25-34).

With respect to claim 17, 19 and 20, Suzuki teaches the method further comprising (fig 1-3), method, wherein said memory further stores information indicating the scan-count, (RAM 326 of fig 20, col.13, line 25-34).

With respect to claim 21, Suzuki teaches the method wherein the plurality of scan modes (one mode is through memory card 220 of fig 1, and the other mode is through finders system 150 of fig 2) include a mode for scanning a transparent document, (object scanned by CCD sensor 320 of fig 3) and when an image is scanned in the mode for scanning the transparent document, said method comprises the steps of:

generating the correction data for each scan (one mode is through memory card 220 of fig 1, and the other mode is through finders system 150 of fig 2); storing the generated correction data in the memory (326 of fig 20); and executing the image scan using the generated correction data (col.13, lines 38-40).

With respect to claim 23, Suzuki et al. teaches the method, (fig 1 and) further comprising a selection step of selecting a desired one of the plurality of scan modes, (selection of scan mode, col.9, lines 1-5).

With respect to claim 24, Suzuki et al., teaches the system, wherein said image scanning system (fig 1 and 2) is constructed by connecting to one of a plurality of different image sensing apparatuses, (selecting different scanning mode with button 9 of fig 2) said memory (326 of fig 2) stores the correction data file for each of the plurality of different image sensing apparatuses, (fig 1 and 2) and said controller independently controls for each of the plurality of different image sensing apparatuses (button 9 of fig 1, selectively control the scanning mode, col.3, lines 1-5).

With respect to claim 25, Suzuki teaches a computer program product (scanning system of fig 1), comprising a computer usable medium having computer readable program code means embodied in said medium for an image scanning method in an image scanning system (fig 1-3 and 20) which can scan an image in a plurality of scan modes, (one mode is through memory card 220 of fig 1, and the other mode is through

finders system 150 of fig 2), and has a memory (RAM 326 of fig 2) for storing a correction data file having correction data for each of the plurality of scan modes, (one mode is through memory card 220 of fig 1, and the other mode is through finders system 150 of fig 2), said product including: first computer readable program code means (fig 1-3) for checking upon scanning an image if correction data corresponding to a scan mode of the image scan operation is stored in the memory (RAM of fig 2); second computer readable program code means for, when the correction data corresponding to the scan mode is not stored, generating correction data corresponding to the scan mode; (one mode is through memory card 220 of fig 1, and the other mode is through finders system 150 of fig 2), and third computer readable program code means for executing an image scan using the generated correction data, (col.13, lines 38-40).

Claims Objected to having Allowable Subject Matter

6. Claims 4, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 26 and 4 the prior art does not teach or disclose the system, wherein said controller checks upon scanning an image if correction data corresponding to a scan mode of that image scan operation is stored in said memory, and if the correction data is not stored, controls to generate correction data corresponding to the scan mode, and to execute an image scan using the generated correction data.

With respect to claim 27 and 16 the prior art dose not teach or disclose the method, further comprising checking upon scanning an image if correction data corresponding to a scan mode of that image scan operation is stored in said memory; if the correction data is not stored, controlling to generate correction data corresponding to the scan mode; and executing an image scan using the generated correction.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku

02/15/06

DOUGLAS Q. TRAN
PRIMARY EXAMINER

